

# Snapper Grouper Amendment 27

## PUBLIC HEARING DOCUMENT



**JANUARY 2013**

# Background

## What Actions Are Being Proposed?

Amendment 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Amendment 27) would: Extend the South Atlantic Fishery Management Council's (South Atlantic Council) management authority of Nassau grouper to include federal waters of the Gulf of Mexico; increase the number of crew members allowed on dual-permitted snapper grouper vessels (vessels that have both a federal South Atlantic Charter/Headboat Permit for Snapper Grouper and a South Atlantic Unlimited or 225 pound Snapper Grouper Permit); address the issues of captain and crew retention of bag limit quantities of snapper grouper species; modify Section I of the Framework Procedure for the Snapper Grouper Fishery of the South Atlantic Region (Framework) to allow adjustments of the acceptable biological catch (ABC), the annual catch limit (ACL), and the annual catch target (ACT) via notice in the Federal Register; and modify management measures for blue runner.

## Who is Proposing the Actions?

At their September 2012 Council meeting, the South Atlantic Fishery Management Council (South Atlantic Council) requested development of an FMP amendment to address modification to the placement of blue runner in a Fishery Management Unit (FMU) and/or management measures for blue runner; the jurisdictional management transfer of yellowtail snapper, mutton snapper, and Nassau grouper; and modification to the snapper grouper framework procedures to allow ABCs, ACLs and ACTs to be adjusted via notice in the *Federal Register*.

### **Purpose for Action**

The *purpose* of Amendment 27 is threefold: (1) to establish the South Atlantic Council as the responsible entity for managing Nassau grouper throughout its range including federal waters of the Gulf of Mexico; (2) modify the crew member limit on dual-permitted snapper grouper vessels; (3) modify the current restriction on crew retention of bag limit quantities of snapper grouper species; (4) minimize regulatory delay when adjustments to snapper grouper species' ABC, ACLs, and ACTs are needed as a result of new stock assessments; and (5) address harvest of blue runner by commercial fishermen who do not possess a South Atlantic Snapper Grouper Permit.

### **Need for Action**

The *need* of Amendment 27 is to respond to the Gulf of Mexico Council's request for the South Atlantic Council to assume management of Nassau grouper in the southeast U.S.; to address safety at sea concerns related to the current limit of three crew members for dual-permitted vessels; to make regulations regarding retention of snapper grouper species by crew members consistent for all snapper grouper species; to expedite adjustments to ABCs, ACLs, and ACTs for snapper grouper species when a new stock assessment indicates adjustments are warranted; and to minimize socio-economic impacts to fishermen without a South Atlantic Snapper Grouper Permit who harvest and sell blue runner to supplement their income.

## Why are the South Atlantic Council and NMFS Considering Action?

### **Nassau Grouper**

On December 16, 2011, a notice of agency action was published in the *Federal Register* (76 FR 78245), which removed the Gulf of Mexico Council's management authority over Nassau grouper in the Gulf of Mexico. The Gulf of Mexico Council took this action with the intention that the South Atlantic Council would extend their area of jurisdiction for management of Nassau grouper to include federal waters of the Gulf of Mexico. Nassau grouper has been under a harvest moratorium since 1992 (SAFMC 1991) due to concerns of overexploitation. The current ACL for Nassau grouper in both the South Atlantic and Gulf of Mexico is zero. The South Atlantic Council is addressing the issue of extending its management authority over Nassau grouper to include the Exclusive Economic Zone off the Gulf of Mexico in Amendment 27.

### **Crew Member Limit on Dual-Permitted Snapper Grouper Vessels**

Currently, there is a crew size limit of 3 for vessels with both a South Atlantic Charter/Headboat Permit for snapper grouper and a South Atlantic Unlimited or 225-pound Permit for snapper grouper (referred to as "dual-permitted" vessels). This crew size limit prevents a dual-permitted vessel from engaging in a charter/headboat trip while landing fish in excess of the recreational bag limits. However, a safety concern arises under the current crew size regulations when dual-permitted vessels are spearfishing commercially. The maximum crew size of 3 persons prohibits fishermen from fishing in pairs using the buddy system while having a standby diver and captain at the surface as recommended by the U.S. Coast Guard diving operations manual. The South Atlantic Council has received requests from dual-permitted vessel operators to allow a crew size of at least 4 persons when commercially spearfishing. The increase in crew size would allow two persons to remain on the vessel while there are two divers in the water, thereby contributing to increased safety at sea.

### **Crew Retention of Bag Limit Quantities of Snapper Grouper**

During their December 2012 meeting, the South Atlantic Council discussed the issue of consistency of regulations prohibiting captains and crew on for-hire vessels from retaining bag limit quantities of some snapper grouper species and not others. Therefore, the South Atlantic Council chose to re-evaluate this regulation in this amendment. The South Atlantic Council may propose removing the restriction or making it applicable to all species in the snapper grouper FMU; that is, captain and crew on for-hire vessels would not be allowed to retain bag limit quantities of any snapper grouper species. Making the regulations consistent for all snapper grouper species would alleviate current confusion that exists among fishermen who do not know which species the provision applies to, and will aid in law enforcement efforts.

## **Snapper Grouper Framework Modifications**

Currently, the Framework allows ABCs, ACLs, and ACTs to be modified for snapper grouper species via the regulatory amendment process, which most often requires the development of an amendment and associated National Environmental Policy Act documents in addition to proposed and final rules with public comment periods. This process can be lengthy, and prevents fishery managers from quickly implementing harvest parameters in response to new scientific information when needed. The lag time between when new information becomes available and when catch levels can be adjusted has the potential to result in adverse impacts on the economic and biological environments. Therefore, the South Atlantic Council is considering an action in Amendment 27 that would allow ABCs, ACLs, and ACTs to be modified by publishing a public notice in the *Federal Register*, eliminating the need for development of a regulatory amendment.

## **Blue Runner**

For many years, South Atlantic mackerel gillnet fishery participants have been selling blue runner caught in gillnets as bycatch to supplement their incomes without having a valid South Atlantic Unlimited Snapper Grouper Permit, or a valid South Atlantic 225-Pound Snapper Grouper Permit, which is a requirement under the Snapper Grouper FMP. It is likely that mackerel fishery participants were not aware that: Blue runner is included in the snapper grouper fishery management unit; the species is managed with commercial and recreational ACLs; gillnets are not an approved gear in the snapper grouper fishery; and a restriction is in place on the sale of bag limit caught quantities under the Snapper Grouper FMP. Because some mackerel fishery participants derive up to 30% of their income from the sale of blue runner, the South Atlantic Council is considering taking action to allow fishermen who capture blue runner as bycatch while using gillnets to fish for South Atlantic mackerel species to be able to legally sell blue runner and thus minimize adverse socio-economic impacts. The option to remove blue runner from the Snapper Grouper FMP is among the alternatives being considered.

# Summary of Effects

## **Action 1. Extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico**

**Alternative 1 (No Action).** Nassau grouper harvest is prohibited in the South Atlantic and Gulf of Mexico. The South Atlantic Council's area of jurisdiction for management of Nassau grouper is limited to federal waters of the South Atlantic.

**Alternative 2 (Preferred).** The South Atlantic Council would extend its jurisdictional authority for management of Nassau grouper to include federal waters of the Gulf of Mexico. Harvest of Nassau grouper in the Gulf of Mexico EEZ would continue to be prohibited.

**SNAPPER GROUPEL AP RECOMMENDATION:** The Council should request that NMFS thoroughly research the historical distribution of Nassau grouper and known spawning aggregations in the South Atlantic.

## **Biological Effects**

**Alternative 1 (No Action)** would not allow for the South Atlantic Council to manage Nassau grouper as required. However, there is no sunset date associated with the delayed effectiveness outlined in the notice of agency action. Therefore, under **Alternative 1 (No Action)** the current harvest prohibition in the Gulf of Mexico would remain. If the South Atlantic Council were to choose **Alternative 1 (No Action)**, future adjustments to commercial and recreational harvest levels for Nassau grouper could not be made in the Gulf of Mexico. Nassau grouper has been under a harvest moratorium since 1992 (SAFMC 1991) due to concerns of overexploitation. The current ACL for Nassau grouper in both the South Atlantic and Gulf of Mexico is zero. **Alternative 2 (Preferred)** is an administrative action and no biological effects would be expected as the alternative would simply allow for the South Atlantic Council to continue the harvest prohibition for Nassau grouper in the Gulf of Mexico and would give them authority to allow some level of harvest in the Gulf of Mexico in the future, if needed.

## Socio-Economic Effects

The current ACL for Nassau grouper on both the South Atlantic and Gulf of Mexico is zero. If the South Atlantic Council's jurisdiction for Nassau grouper extends to Gulf of Mexico, it is expected that there will be no socio-economic effects as Nassau grouper are not currently targeted, nor can they be harvested in either the South Atlantic or Gulf of Mexico.

Because of the moratorium on harvest of Nassau grouper in both the Gulf of Mexico and South Atlantic regions, there is no difference in expected impacts on fishermen or fishing communities when considering separate management (**Alternative 1 (No Action)**) or management by the South Atlantic Council (**Preferred Alternative 2**).

## **Action 2. Modify the crew size restriction for dual-permitted snapper grouper vessels**

**Alternative 1 (No Action).** The current limit on the number of crewmembers on any dual-permitted vessel (a vessel associated with both a South Atlantic Charter/Headboat Permit for Snapper Grouper and a South Atlantic Unlimited or 225 pounds Permit for Snapper Grouper) is 3.

**Alternative 2.** Eliminate the limit of 3 crewmembers for dual-permitted vessels

**Alternative 3.** Increase the limit to 4 crewmembers for dual-permitted vessels.

### **Biological Effects**

Maintaining the current crew size limit (**Alternative 1 (No Action)**), would result in positive biological impacts as it would continue to prevent dual-permitted vessels from engaging in charter/headboat trips while landing fish in excess of the bag limits.

**Alternative 2** would address the safety at sea issues associated with only having 3 crewmembers while commercial diving, but it may also increase the risk that dual-permitted vessels would engage in for-hire fishing while landing commercial quantities of fish, which is prohibited. Historically, one possible reason for limiting the crew size on a dual-permitted vessel when fishing commercially may have been to prevent double-dipping where a vessel might take out a number of passengers under the pretense of making a charter trip, but subsequently sell the catch. Therefore, **Alternative 2** would be the most likely of all the alternatives considered to result in negative biological impacts to snapper grouper species in the form of increased harvest by an unrestrained number of crewmembers on commercial trips. **Alternatives 2 and 3** could both increase the efficiency by which fish are harvested, which may decrease the amount of time it may take for a vessel to reach species-specific trip limits. Unlike **Alternative 2**, **Alternative 3** would maintain a limit on the number of crewmembers onboard dual-permitted vessels but would allow the maximum number to increase by one. It is unlikely that allowing 4 crewmembers instead of 3 would significantly increase the probability that vessels would engage in for-hire trips while landing fish in excess of the bag limits.

### **Economic Effects**

**Alternative 1 (No Action)**, which would maintain the maximum crew size at 3 for dual-permitted vessels, is not anticipated to result in economic effects. **Alternative 2** and **Alternative 3** are not anticipated to affect the harvest or other customary uses of snapper grouper species. Therefore, economic effects to the overall economy are not anticipated to result from the implementation of either alternative. **Alternatives 2 and 3** could have economic effects on individual trip costs. Bringing on a 4th crewmember (**Alternatives 2 and 3**) or more (**Alternative 2**) would likely increase trip costs as a result of additional compensation for the additional crewmember(s). Potential trip profitability would be weighed against safety concerns related to having additional crewmembers onboard in

determining the value of additional crew. By allowing for more than 4 crewmembers onboard, **Alternative 3** has the potential for greater economic effects on trip costs than does **Alternative 2**. While economic effects to the overall economy are not expected from **Alternative 2** or **Alternative 3**, a precautionary approach would suggest that, to preempt future changes in effort and fishing behavior, increasing the crew size to 4 (**Alternative 3**) may be preferable to eliminating the crew size requirement (**Alternative 2**).

## Social Effects

The alternatives under this action would have direct and indirect impacts on 157 vessels that hold both a federal commercial snapper grouper permit (Unlimited or 225-Pound) and a federal charter snapper grouper permit as of December 2012. Of these, 151 vessels are South Atlantic vessels, with 51 vessels from the Florida East Coast; 45 from the Florida Keys; 1 from Georgia; 17 from South Carolina; and 37 from North Carolina. Specifically, dual-permitted vessels that take commercial dive trips would be expected to experience the most significant and apparent effects.

**Alternative 1 (No Action)** would be expected to result the most significant negative effects on fishermen working on dual-permitted vessels among the three alternatives in this action. The current crew size limit may prohibit fishermen from maximizing efficiency on each trip and taking advantage of both the commercial and charter permits associated with the vessel. Additionally, the current crew size limit of 3 per vessel may hinder safe diving practices by not providing diving partners for each potential commercial diver. **Alternatives 2** and **3** would be expected to decrease the negative impacts of the current regulations and increase the potential benefits from safe and profitable commercial dive trips on dual-permitted vessels.



### **Action 3. Modify captain and crew retention restrictions on bag limit quantities of snapper grouper species**

**NOTE:** All of the alternatives below apply only to vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper

**Alternative 1 (No Action).** Captain and crew may not retain bag limit quantities of the following species in the snapper grouper FMU: gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper, yellowedge grouper, snowy grouper, misty grouper, vermilion snapper, sand tilefish, blueline tilefish, and golden tilefish.

**Alternative 2.** Remove the snapper grouper species retention restrictions for captains and crew of vessels associated with a South Atlantic Charter/Headboat Permit for Snapper Grouper.

**Alternative 3.** Establish a bag limit of zero for captains and crews of vessels associated with a South Atlantic Charter/Headboat Permit for Snapper Grouper for *all* species included in the snapper grouper FMU.

#### **Biological Effects**

**Alternative 1 (No Action)** would continue the biological benefits associated with retention restrictions of snapper grouper species for crewmembers of for-hire vessels, but this alternative would not establish consistency in bag limit retention provisions for for-hire crewmembers across the entire snapper grouper fishery. **Alternative 1 (No Action)** would perpetuate current confusion about what species crewmembers are allowed or not allowed to retain. **Alternative 1 (No Action)** may result in negative biological impacts for some species that are retained by crew and should not be, and may result in biological benefits for species that are unnecessarily discarded because they are thought to have a bag limit of zero for crewmembers when in actuality they can be retained. The extent of biological benefits, however, would be directly related to the level of discard mortality for each particular species and the depth at which it was caught.

**Alternatives 2 and 3** would both result in regulatory consistency for crewmember retention provisions for all snapper grouper species. However, **Alternative 2** would result in negative biological impacts since bag limit retention of *all* snapper grouper species (that have bag limits) would be allowed for crewmembers of federally-permitted for-hire vessels in the snapper grouper fishery. Also, bycatch of species with low recreational ACLs could increase and result in negative biological impacts. Conversely, **Alternative 3** would benefit the biological environment by prohibiting crewmembers of for-hire vessels from retaining *all* snapper grouper species.

## Economic Effects

There would be no economic effects of any of the alternatives of Action 3 for those vessels that have a South Atlantic Charter/Headboat Permit for Snapper Grouper and are not dual-permitted with either one of the two South Atlantic commercial snapper grouper permits. However, vessels that are dual-permitted with a South Atlantic Charter/Headboat Permit for Snapper Grouper and either one of the two South Atlantic commercial snapper grouper permits could see their profitability change as a result of the alternatives in this action. When catch is sold from dual-permitted vessels there is no way to know from landings records (logbooks or trip tickets) whether or not the sale included bag limits retained by the captain and crew of the vessel. Therefore, the size of the economic effect cannot be quantitatively determined. Only the direction of the economic effect can be predicted. **Alternative 2** would remove the captain/crew restriction currently in place under **Alternative 1 (No Action)** and would result in a direct positive economic effect for dual-permitted vessels. **Alternative 3** would increase the direct negative economic effects on dual-permitted vessels by restricting the captain and crew from retaining and selling bag limits for additional species beyond those already prohibited under **Alternative 1 (No Action)**. **Alternative 2** would result in positive economic effects for dually permitted vessels compared to **Alternative 1 (No Action)** and **Alternative 3**. **Alternative 3** would result in negative direct economic effects compared to **Alternative 1 (No Action)** and **Alternative 2**.

## Social Effects

The existing restrictions on captain and crew bag limit retention under **Alternative 1 (No Action)** would continue to cause confusion among for-hire captains and crew since the restriction applies only to some snapper grouper species and not others. This inconsistency may also hinder effective enforcement. The opportunity to retain catch on for-hire trips, as proposed under **Alternative 2**, would be expected to be beneficial to for-hire captain and crew by providing fish for personal consumption. However, for species with low recreational ACLs (such as snowy grouper), allowing captain and crew to retain bag limits, as proposed under **Alternative 2**, may reduce the amount available to private recreational anglers. Additionally, **Alternative 2** could result in increased incentive to harvest the maximum bag limit for some species on for-hire trips, which could cause conflict among the for-hire fleet.

**Alternative 3** would likely result in some negative impacts for crew who routinely take the bag limit for personal consumption. For several species in the snapper grouper FMU that are not overfished or experiencing overfishing, bag limit restrictions for the for-hire crewmembers would not be expected to result in any benefits for the fishermen and other resource users.

## **Action 4. Modify Section I of the Snapper Grouper FMP Framework procedure**

**Alternative 1 (No Action).** Section I of the snapper grouper framework procedure, as modified through Amendment 17B, is as follows:

### **I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:**

#### Procedure for Specifications:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to  $F_{MSY}$  (MFMT) and  $F_{OY}$ ; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of  $B_{MSY}$ .

2. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT ( $F_{MSY}$ ). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper population levels at or above  $B_{MSY}$  within the rebuilding periods specified by the Council and approved by NOAA Fisheries Service. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including

generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a  $B_{MSY}$  level and a MSST from  $B_{MSY}$ . The report may also recommend more appropriate estimates of  $F_{MSY}$  for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

**3.** The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rationale why it believes that level of fishing will not exceed MFMT.

**4.** The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

**5.** The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

**a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it believes that level of fishing will not exceed MFMT.

**b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that

sector will be adjusted in accordance with the AMs established for that stock.

**c.** Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

**6.** The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NOAA Fisheries Service Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of  $B_{MSY}$  and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

**7.** The Regional Administrator will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

**8.** Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

- a.** ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
- b.** ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
- c.** AMs or sector AMs.
- d.** Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
- e.** The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
- f.** New levels or statements of MSY (or proxy) and OY for any stock.
- g.** New levels of total allowable catch (TAC).
- h.** Adjust fishing seasons/years.

9. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.
- a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector from exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
  - b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
  - c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

10. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

**Alternative 2 (Preferred).** Modify Section I of the Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments. The modification would add the following language:

**Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure**

1. Stock assessments will continue to be conducted for snapper grouper species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the Regional Director (RD).
3. Following a review for consistency with the FMP and applicable law, the RD may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.

**SNAPPER GROUPE AP RECOMMENDATION:**

**MOTION: THE SNAPPER GROUPE AP SUPPORTS ALTERNATIVE 2 AS A PREFERRED**

## Biological Effects

This administrative action would have indirect positive biological effects in that adjustments to harvest levels would not be subject to regulatory delays as is currently the case under **Alternative 1 (No Action)**. As such, biological benefits may result due to the ability to implement appropriate levels of harvest quickly in response to the latest scientific information in order to maintain harvest levels at or below the ACL. When stock assessments indicate large decreases in the ACLs are needed, a quick adjustment to the catch level would likely have positive biological effects but moving quickly with a decrease in a catch level without a great deal of public involvement would likely be controversial. The SEDAR process currently only produce one stock assessment for a species every 3 to 5 years. As such, the data utilized in the assessment are at least one year old by the time the assessment results become available and can be used for management purposes. It is, therefore, advantageous to make any modifications to the existing management process, as proposed under **Alternative 2 (Preferred)**, to expedite fishing level adjustments for snapper grouper species.

## Economic Effects

**Alternative 1 (No Action)** could negatively impact the recreational and commercial fishing sectors should new data indicate that a stock had improved but the South Atlantic Council had no means to rapidly increase the ACL, resulting in loss of opportunity, income, and/or recreational angling experiences. However, if an assessment indicated a substantial decrease in the ACL was needed, **Alternative 1 (No Action)** would retain a more deliberative process of ensuring the public was well-informed regarding the needed changes in catch levels. **Alternative 2 (Preferred)** could result in positive or negative economic effects. When stock assessments indicate ACLs can be increased, quick adjustments for ACLs would allow for positive economic effects without negatively affecting the sustainability of the stock. On the other hand, when stock assessments indicate large decreases in the ACLs are needed, there would likely be negative economic effects by moving quickly with a decrease in a catch level.

## Social Effects

The process by which catch limits can be adjusted based on new information, stock assessment updates, and SSC recommendations contributes directly to benefits for the commercial and for-hire fleets, recreational anglers, businesses associated with fishing, and coastal communities. Catch limits and accountability measures can potentially have significant impacts on fishermen and communities if harvest of an important species is not allowed or closes early in the season. Although the long-term benefits may balance out these short-term negative impacts, in some situations it can be expected that fishing behavior may change permanently; such as when a closure is implemented that limits income from fishing for a certain period of time.

## **Action 5. Modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner**

**Alternative 1 (No Action).** Blue runner are managed under the Snapper Grouper FMP. A federal South Atlantic Unlimited or 225 Snapper Grouper Permit is required to commercially harvest and sell blue runner. A federal Commercial Dealer Permit is required to purchase blue runner. The commercial ACL for blue runner is 188,329 pounds ww and the commercial allocation is 15% of the total ACL. If the commercial ACL is met or is projected to be met, all subsequent purchase and sale is prohibited. If the commercial ACL is exceeded, the Regional Administrator will publish a notice to reduce the ACL in the following season by the amount of the overage, but only if the species is overfished.

The recreational ACL for blue runner is 1,101,612 ww. There is a recreational ACT for blue runner, which equals  $ACL \times (1 - \text{percent standard error})$  or  $ACL \times 0.5$ , whichever is greater. If the annual recreational landings exceed the recreational ACL in a given year the following year's landings will be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the recreational fishing season as necessary. Sale of recreationally harvested blue runner from federal waters is prohibited (must have a South Atlantic Unlimited or 225 lb permit to sell blue runner).

**Alternative 2.** Remove blue runner from the Snapper Grouper FMP.

**Alternative 3.** Retain blue runner in the Snapper Grouper FMP but allow commercial harvest and sale of blue runner for vessels associated with a Spanish Mackerel Permit or a South Atlantic Unlimited or 225-pound Permit for Snapper Grouper. Gillnets are an allowable gear for only blue runner in the snapper grouper fishery.

**Alternative 4.** Retain blue runner in the Snapper Grouper FMP but exempt it from the Snapper Grouper permit requirement for purchase, harvest, and sale.

### **SNAPPER GROUPE AP RECOMMENDATION:**

MOTION: THE AP SUPPORTS REMOVING BLUE RUNNER FROM THE SG FISHERY MANAGEMENT UNIT  
APPROVED (1 OPPOSED)

**SSC RECOMMENDATION:** The ACL for blue runner is rather high compared to the landings in gillnets. The SSC would like to see this again in April with more analyses and in a more finalized format.



## Biological Effects

Under **Alternative 1 (No Action)**, blue runner would continue to be part of the Snapper Grouper Fishery Management Unit (FMU). Only fishermen with a valid South Atlantic Unlimited Snapper Grouper Permit or 225 Permit would be legally allowed to harvest them commercially from federal waters and only dealers with a valid commercial Snapper Grouper Dealer Permit would be allowed to purchase and sell blue runner harvested in federal waters. However, neither South Atlantic commercial snapper grouper fishermen nor mackerel fishermen commonly target blue runner. Blue runner constituted less than 3% of the total commercial snapper grouper harvest in the South Atlantic from 2000 to 2011 (**Table S-1**). The Council has received anecdotal information indicating that a substantial blue runner live bait fishery exists in the South Atlantic, whereby some recreational fishermen harvest blue runner for the purpose of selling them as live bait directly to other recreational pelagic and king mackerel fishermen (SAFMC, December 2012 Snapper Grouper Committee Meeting Minutes). According to analyses conducted during development of the Comprehensive ACL Amendment (SAFMC 2011c), blue runner landings from federal waters constituted 20% or less of total average annual landings between 2005 and 2009. Since the majority of blue runner are harvested in state waters by non-federally-permitted vessels, those landings are captured by the Marine Recreational Information Program (MRIP). However, the amount of blue runner harvested by federally-permitted fishermen and sold to recreational fishermen rather than federally-permitted dealers is unknown.

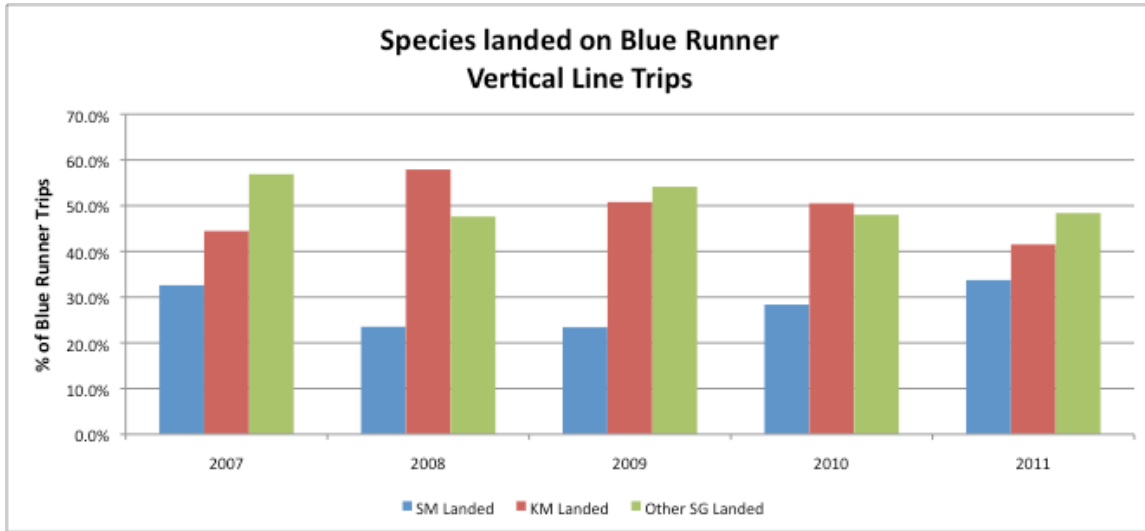
**Table S-1.** Total annual commercial landings (pounds whole weight) of snapper grouper species, mackerel (king and Spanish), and total commercial landings of blue runner (pounds whole weight) in the South Atlantic from 2000 to 2011.

Year	Total snapper grouper	Total Mackerel	Total blue runner	Percent SG blue runner	Percent Mackerel blue runner
2000	9,314,188	6,092,744	156,832	1.68%	2.57%
2001	8,759,531	6,074,566	158,453	1.81%	2.61%
2002	8,276,934	5,581,737	132,756	1.60%	2.38%
2003	6,421,749	6,563,229	108,412	1.69%	1.65%
2004	9,002,185	6,963,918	149,080	1.66%	2.14%
2005	8,104,573	7,009,838	128,773	1.59%	1.84%
2006	7,433,209	7,912,722	155,450	2.09%	1.96%
2007	7,440,210	7,636,726	130,939	1.76%	1.71%
2008	8,553,781	7,188,949	192,593	2.25%	2.68%
2009	8,959,344	8,549,078	259,387	2.90%	3.03%
2010	8,402,187	8,843,515	223,954	2.67%	2.53%
2011	7,981,696	7,514,259	237,028	2.97%	3.15%

Source: NMFS SEFSC

Out of all the commercial trips with hook-and-line gear that landed at least one pound of blue runner between 2007 and 2011, 51% and 49% also landed other snapper grouper

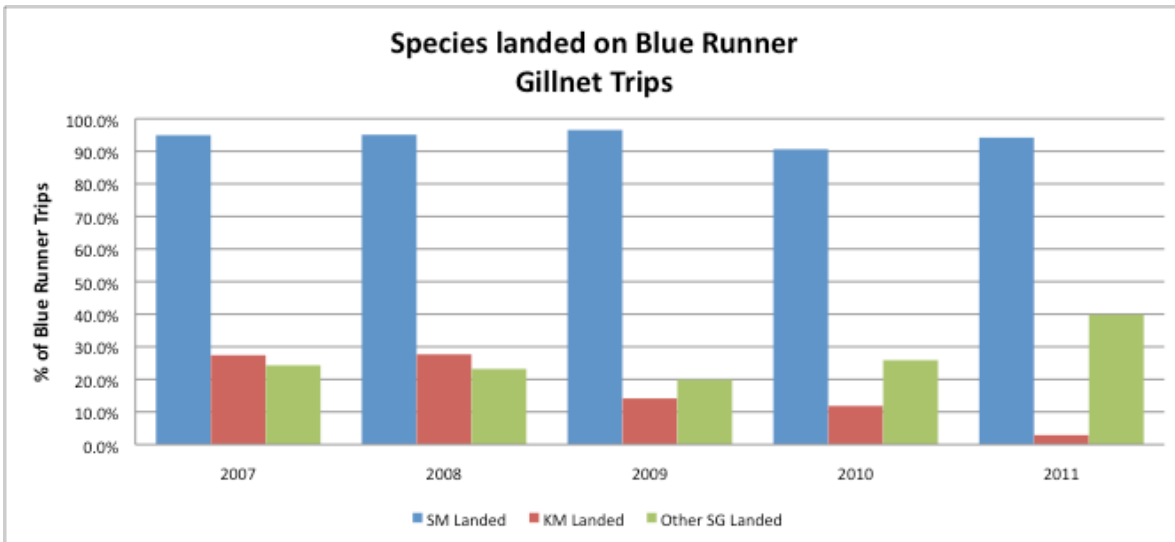
species and king mackerel, respectively. Spanish mackerel were landed on 28% of the trips (**Figure S-1**).



**Figure S-1.** Percentage of mackerel and other snapper grouper species landed with hook-and-line on commercial trips that caught at least one pound of blue runner in the South Atlantic between 2007 and 2011.

Source: NMFS SEFSC

On the other hand, out of all the commercial trips with gillnet gear that landed at least one pound of blue runner between 2007 and 2011, 90% or greater also landed Spanish mackerel (**Figure S-2**). An examination of commercial logbook landings shows most blue runner are taken with hook-and-line gear; however, a large component is taken with gillnets. Gillnets, however, are not included in the allowable gear to harvest snapper grouper species in the South Atlantic.



**Figure S-2.** Percentage of mackerel and other snapper grouper species landed with gillnet gear on commercial trips that caught at least one pound of blue runner in the South Atlantic between 2007 and 2011.

Source: NMFS SEFSC

**Table S-2** shows total annual commercial landings of blue runner from two sources: the Southeast Fisheries Science Center’s Coastal Fisheries Logbook Program (CFLP) and the Accumulated Landings System (ALS). These two programs are the main source of commercial landings statistics in the southeast region. A comparison of the landings reveals that only an average of 60% of total annual blue runner landings were captured in the CFLP over the past 12 years. The remaining 40% of landings that are reported via trip tickets can be attributed to non-federally permitted fishermen.

**Table S-2.** Total annual landings of blue runner (pounds whole weight) as reported through the Coastal Fisheries Logbook Program (CLFP) and the Accumulated Landings System (trip ticket data) from 2000 to 2011.

Year	Logbook Landings	Trip Ticket Landings	% of total reported to CFLP
2000	82,582	156,832	52.7%
2001	105,355	158,453	66.5%
2002	85,614	132,756	64.5%
2003	75,544	108,412	69.7%
2004	108,024	149,080	72.5%
2005	80,685	128,773	62.7%
2006	91,250	155,450	58.7%
2007	89,161	130,939	68.1%
2008	99,042	192,593	51.4%
2009	132,082	259,387	50.9%
2010	122,221	223,954	54.6%
2011	131,451	237,028	55.5%

Source: NMFS SEFSC

Blue runner has not been assessed in the South Atlantic and the current ABC, as recommended by the South Atlantic SSC, is set at the third highest average landings between 1999 and 2008. The ABC for this species is 1,289,941 pounds whole weight (ww), 15% of which is allocated to the commercial sector. Total commercial landings of blue runner in the South Atlantic, as indicated by trip ticket (ALS) data in **Table S-2**, have been above the current commercial ACL of 188,329 pounds ww since 2008. However, the Comprehensive ACL Amendment (SAFMC 2011c), implemented in April 2012, put in place in-season and post-season AMs to ensure that harvest does not exceed the ACL specified for this species. **Figure S-2** shows that blue runner are harvested with gillnet, which is not an allowable gear type under **Alternative 1 (No Action)**. If **Alternative 1 (No Action)** were selected, there is a greater chance the ACL would not be met.

When a species is removed from an FMP, as would be the case under **Alternative 2**, that species is no longer subject to federal management unless the species is moved from one FMP to another or some other entity assumes management authority. If another FMP were amended to include blue runner in the FMU, and management measures that currently exist for the species under the Snapper Grouper FMP were maintained through the amended FMP, the biological impacts would be neutral, and the South Atlantic Council would have full control over how the blue runner stock is managed under a different FMP. Alternately, if another entity were to take over management of blue runner, such as the state of Florida, the Council and NMFS would have no regulatory authority to manage harvest of the species. Representatives of the state of Florida who serve on the Council have stated that Florida would be willing to manage blue runner. Additionally, the state of Florida assumed management responsibility for some snapper grouper species that were removed from the Snapper Grouper FMP through the Comprehensive ACL Amendment (SAFMC 2011c). Removal of blue runner from the Snapper Grouper FMP with no plan for future management, however, could lead to uncontrolled harvest of the species, which would result in negative biological impacts on the stock.

During development of the Comprehensive ACL Amendment (SAFMC 2011c), data indicated the majority of blue runner are harvested in state waters; however, the species was retained in the Snapper Grouper FMU because the level of harvest in state waters for the commercial and recreational sectors did not meet the threshold criterion established in the Comprehensive ACL Amendment for removal of the species from the FMU. The threshold criterion in the Comprehensive ACL Amendment used to determine which species could be removed from the FMU was if 95% (or greater) of landings were from state waters. From 2005 through 2011, 76% of blue runner were harvested in state waters (**Table S-3**). Therefore, the species was retained within the Snapper Grouper FMP and there was little justification to support its removal.

**Table S-3.** Blue runner commercial and recreational harvest in pounds whole weight in state and federal waters from 2005-2011.

	<b>EEZ</b>	<b>State</b>
2005	93,736	313,723
2006	198,842	689,537
2007	342,683	441,461
2008	132,749	830,470
2009	48,101	588,595
2010	28,733	250,052
2011	34,745	319,044
<b>Total</b>	<b>879,589</b>	<b>3,432,882</b>

Source: MRIP Web site accessed 1-10-13.

Blue runner was originally included in the snapper grouper FMP because it was thought to co-occur with other, more economically desirable, species. Placement of species in distinct management units does not necessarily have to be done according to how closely-related species are within a FMU. Management units, such as snapper grouper, can also be designed around ecological attributes. According to mackerel fishermen, blue runner are usually harvested during the spring months, when they are mixed in with schools of Spanish mackerel. As the season progresses, however, blue runner apparently move elsewhere and fishermen report a very “clean” harvest of Spanish mackerel thereafter. Evidently, there is some ecological association, albeit temporary, between blue runners and Spanish mackerel. This would tend to support placing blue runner in the same FMU as Spanish mackerel. However, not enough scientific information is currently available to support this association.

Seventy-five percent of the blue runner ABC (1,289,941 pounds ww) is allocated to the recreational sector. The recreational ACL is 1,101,612 pounds ww. Preliminary data from 2012 show that only 28% of the recreational ACL was harvested. If the species were removed from the snapper grouper FMP and no provisions to limit recreational harvest were implemented through some other regulatory regime, there would be no limit to the number of blue runner the recreational sector could harvest, which would result in negative biological impacts to the species.

Under **Alternative 3**, Spanish mackerel and South Atlantic Unlimited and 225-Pound Permit holders, respectively, would be able to legally harvest blue runner since the Spanish Mackerel Permit would become a valid permit for the commercial harvest of blue runner and current gear restrictions for the Snapper Grouper FMP would be modified to include gillnets as an allowable gear type for harvest of blue runner. Under **Alternative 4**, no federal permit would be required to harvest commercial quantities of blue runner. However, unlike **Alternative 3**, **Alternative 4** would not allow fishermen to harvest blue runner with gillnet gear. Allowing blue runner to be legally harvested by fishery participants who may not have targeted them in the past may cause the commercial ACL to be met earlier, and could increase the chance the commercial ACL could be exceeded. However, if the quota monitoring system is functioning properly, this would not be

expected to have negative effects on the stock as ACLs and AMs are in place to prevent overfishing from occurring.

## Economic Effects

Blue runner represent a relatively small part of the overall catch for those fishermen who land the species. Nearly every commercial trip that landed blue runner typically landed other species, most notably Spanish mackerel, king mackerel, or other species in the snapper grouper complex.

**Table S-4** shows the overall commercial landings of blue runner for the years of 2007 through 2011. The majority of trips landing blue runner each year were in the hook-and-line fishery. The price per pound of blue runner depends on market conditions as well as gear type. However, there seems to be no significant trend as all prices hovered around \$1 per pound with a low of \$0.85 for blue runner from gillnets in 2009 to a high of \$1.31 per pound for blue runner caught with other gear (not a gillnet or with hook-and-line).

**Table S-4.** Total commercial landings, nominal (not inflated) value, and average price per pound of blue runner (BR) by gear type in the South Atlantic, 2007-2011.

Year	Gear	Trips	Lbs BR	Value BR	\$/lb-BR
2007	Gill Net	610	33,127	\$31,851	\$0.98
	Hook and Line	1,704	50,063	\$48,913	\$0.99
	Other	339	6,330	\$6,101	\$0.98
2008	Gill Net	447	44,258	\$40,493	\$0.94
	Hook and Line	1,888	43,067	\$38,068	\$0.91
	Other	548	11,717	\$10,391	\$0.89
2009	Gill Net	579	60,276	\$50,270	\$0.85
	Hook and Line	2,204	67,029	\$68,347	\$0.97
	Other	395	4,814	\$4,512	\$0.94
2010	Gill Net	270	15,717	\$15,767	\$1.02
	Hook and Line	2,630	93,913	\$88,840	\$1.01
	Other	812	12,591	\$13,328	\$1.07
2011	Gill Net	257	18,482	\$16,666	\$1.14
	Hook and Line	2,923	101,326	\$108,336	\$1.19
	Other	657	10,329	\$12,666	\$1.31

Source: NMFS SEFSC Coastal Fisheries Logbook (2012)

As noted above, blue runner are primarily landed in the Spanish mackerel, king mackerel and snapper grouper fisheries. **Tables S-5, S-6, and S-7** show trips in which at least one pound of blue runner and Spanish mackerel, king mackerel, or other snapper grouper species were landed by gear, landings, value, and the average percent of the landings comprised by blue runner. On some trips that caught blue runner, multiple species were landed. For example, many trips landed both king mackerel and snapper grouper species along with blue runner.

Blue runner are not caught on all Spanish mackerel gillnet trips, however (**Table S-5**). They tend to be caught primarily in the fall fishery and occasionally in the spring. In 2010 and 2011, more pounds of blue runner were caught on trips with Spanish mackerel where hook-and-line was the primary gear. Blue runner never comprised more than about 10% of the total pounds and value on trips where both blue runner and Spanish mackerel were caught. On trips where gears other than gillnet or hook-and-line were used, blue runner tended to occur in a smaller portion of the trips.

**Table S-5.** Total commercial landings, nominal (not inflated) value, price per pound of blue runner (BR) and Spanish mackerel (SM) for those trips where at least 1 pound of blue runner and 1 pound of Spanish mackerel were landed, 2007-2011. GN=gillnet, HL=hook-and-line.

Year	Gear	Trips	Lbs BR	Value BR	Lbs SM	Value SM	Trip lbs	Trip Value	% lbs BR	% Value BR
2007	GN	582	32,533	\$31,285	482,800	\$393,350	1,228,698	\$950,438	5%	5%
	HL	544	15,849	\$15,274	184,107	\$160,342	441,740	\$431,852	7%	6%
	Other	110	3,610	\$3,580	47,534	\$38,259	123,119	\$112,711	5%	5%
2008	GN	425	43,304	\$39,700	299,790	\$289,430	842,881	\$739,085	7%	7%
	HL	443	12,527	\$11,277	142,964	\$127,558	356,590	\$361,932	6%	5%
	Other	196	3,995	\$3,639	103,667	\$101,451	236,399	\$236,594	5%	5%
2009	GN	559	59,097	\$49,333	304,646	\$302,536	920,479	\$787,380	10%	10%
	HL	505	15,176	\$13,799	133,900	\$116,909	389,550	\$420,969	7%	6%
	Other	107	1,691	\$1,556	55,366	\$45,099	123,690	\$106,465	3%	3%
2010	GN	245	15,040	\$15,012	129,584	\$125,688	384,120	\$328,223	7%	8%
	HL	745	27,902	\$26,138	247,712	\$196,740	742,328	\$773,438	5%	5%
	Other	264	5,827	\$5,680	187,492	\$143,230	429,627	\$356,527	4%	4%
2011	GN	241	14,775	\$14,628	79,011	\$102,966	311,401	\$310,610	6%	6%
	HL	989	34,775	\$34,680	363,090	\$325,236	946,566	\$995,599	6%	5%
	Other	218	3,296	\$3,342	93,081	\$80,645	215,359	\$200,443	3%	3%

Source: NMFS SEFSC Coastal Fisheries Logbook (2012)

More pounds of blue runner were caught along with Spanish mackerel than with king mackerel (**Table S-6**). In 2007, however, more than 30,000 pounds of blue runner were caught on trips where at least 1 pound of king mackerel was caught. On trips where both blue runner and king mackerel were caught, the percent of the landings comprised by blue runner ranged from an average of 2% to 8%. The value of blue runner on those trips averaged from 2% to 7% of the entire trip value.



**Table S-6.** Total commercial landings, nominal (not inflated) value, price per pound of blue runner (BR) and king mackerel (KM) for those trips where at least 1 pound of blue runner and 1 pound of king mackerel were landed, 2007-2011. GN=gillnet, HL=hook-and-line.

Year	Gear	Trips	Lbs BR	Value BR	Lbs KM	Value KM	Trip lbs	Trip Value	% lbs BR	% Value BR
2007	GN	166	8,199	\$7,936	10,689	\$19,652	407,695	\$347,075	4%	5%
	HL	744	16,790	\$17,219	105,032	\$203,658	416,557	\$767,151	8%	6%
	Other	228	2,537	\$2,267	42,978	\$88,889	113,680	\$200,662	4%	2%
2008	GN	124	14,946	\$13,064	11,090	\$22,425	302,373	\$290,790	6%	6%
	HL	1,085	18,249	\$15,887	266,224	\$482,421	713,093	\$1,248,999	5%	3%
	Other	343	5,016	\$4,217	96,819	\$179,511	250,650	\$411,494	3%	2%
2009	GN	82	7,907	\$6,391	1,798	\$3,708	152,224	\$135,870	7%	7%
	HL	1,105	21,550	\$20,778	288,253	\$428,152	778,711	\$1,151,398	4%	2%
	Other	273	2,377	\$2,166	69,202	\$105,894	159,501	\$231,295	3%	2%
2010	GN	33	3,281	\$3,403	1,202	\$2,107	63,236	\$55,525	6%	7%
	HL	1,325	25,124	\$26,888	361,961	\$632,706	998,488	\$1,613,448	4%	3%
	Other	545	5,072	\$5,709	180,801	\$332,315	423,931	\$713,671	2%	2%
2011	GN	*	*	*	*	*	*	*	*	*
	HL	1,213	29,135	\$35,922	229,147	\$516,774	827,955	\$1,599,991	5%	4%
	Other	419	4,876	\$6,692	94,011	\$210,115	248,581	\$463,981	3%	3%

Source: NMFS SEFSC Coastal Fisheries Logbook (2012)

\* Indicates the data are confidential.

The number of trips in which blue runner were landed on the same trip as snapper grouper species was similar to the number of trips in which they were landed with king mackerel (**Table S-7**). However, more pounds of blue runner tend to be landed with snapper grouper species than with either of the mackerel species. The value of blue runner landed on trips where at least 1 pound of blue runner was landed as well as at least 1 pound of snapper grouper species was landed ranged from 3% to 10%. The value of the blue runner on those trips ranged from an average of 3% to 8% of the total trip value.

**Table S-7.** Total commercial landings, value, price per pound of blue runner (BR) and snapper grouper species (SG) for those trips where at least 1 pound of blue runner and 1 pound of snapper grouper were landed, 2007-2011. GN=gillnet, HL=hook-and-line.

Year	Gear	Trips	Lbs BR	Value BR	Lbs SG	Value SG	Trip lbs	Trip Value	% lbs BR	% Value BR
2007	GN	145	7,739	\$7,378	3,608	\$2,480	316,719	\$253,348	3%	4%
	HL	918	28,362	\$27,538	245,265	\$672,049	543,348	\$1,073,844	10%	7%
	Other	81	2,597	\$2,538	7,286	\$15,518	52,051	\$67,508	6%	4%
2008	GN	101	16,153	\$14,271	4,570	\$3,018	234,547	\$202,677	8%	8%
	HL	823	21,313	\$18,837	254,341	\$666,134	535,891	\$1,067,309	8%	5%
	Other	150	5,922	\$5,533	20,717	\$55,603	138,151	\$227,834	5%	4%
2009	GN	113	9,366	\$8,232	3,815	\$3,014	201,759	\$158,180	5%	5%
	HL	1,162	38,089	\$42,315	476,903	\$1,177,706	855,777	\$1,653,932	8%	3%
	Other	101	1,750	\$1,739	12,162	\$31,526	60,324	\$95,962	5%	5%
2010	GN	68	5,492	\$5,484	3,108	\$2,332	130,721	\$110,071	6%	6%
	HL	1,223	64,326	\$58,356	519,954	\$1,327,667	1,121,945	\$2,032,080	7%	5%
	Other	188	3,840	\$3,835	23,587	\$53,155	182,295	\$252,513	4%	4%
2011	GN	106	7,439	\$7,819	7,537	\$4,706	168,503	\$163,210	5%	5%
	HL	1,394	66,434	\$68,088	803,527	\$2,301,105	1,337,440	\$2,979,027	8%	5%
	Other	159	3,026	\$3,361	12,738	\$28,728	120,763	\$168,865	4%	4%

Source: NMFS SEFSC Coastal Fisheries Logbook (2012).

Blue runner have been landed in the past on trips where no snapper grouper species were present, however. Some of the fishermen who had trips that landed blue runner but no snapper grouper species may in fact have a South Atlantic Snapper Grouper Permit. **Table S-8** gives an indication that there were roughly 1,500 to 2,200 trips per year from 2007 through 2011 in which no snapper grouper species were landed with blue runner. These trips landed between 48,563 and 82,014 pounds annually with a 2011 value of \$51,846 to \$74,279.

**Table S-8.** Total annual commercial landings and value of blue runner landed on trips with no other snapper grouper complex species landed, 2007-2011.

Year	Trips	Pounds	Nominal Value	Inflated Value (2011)
2007	1,509	50,822	\$49,412	\$53,605
2008	1,809	55,654	\$50,312	\$52,563
2009	1,802	82,914	\$70,844	\$74,279
2010	2,233	48,563	\$50,260	\$51,846
2011	2,178	53,238	\$58,400	\$58,400

Source: NMFS SEFSC Coastal Fisheries Logbook (2012)

**Alternative 1 (No Action)** would keep blue runner in the Snapper Grouper Management Plan and require either a South Atlantic 225 Pound or a South Atlantic Unlimited Snapper Grouper Permit to harvest and sell blue runner. Currently, there are

fishermen who are selling blue runner caught in other fisheries who do not have either of the snapper grouper permits (**Table S-8**). **Alternative 1 (No Action)** would have the greatest negative economic effects should the requirement to possess a South Atlantic Snapper Grouper Permit be enforced. According to **Table S-8**, perhaps fishermen would forfeit \$50,000 or more in annual revenue if the existing regulations were enforced.

By choosing **Alternatives 2, 3, or 4** the South Atlantic Council would be indicating that they would like to allow fishermen to continue to land blue runner as a part of a non-snapper grouper fishery. As currently stated, **Alternative 2** would create a scenario in which blue runner would be open to harvest by anyone with any gear. In essence, the fishery would no longer be under federal management and blue runner harvest (commercial and recreational) would no longer be constrained by the ACL. **Alternative 3** would keep blue runner in the Snapper Grouper Management Plan, but allow harvest by snapper grouper or Spanish mackerel permitted vessels. This would alleviate the problem with the current illegal harvest of blue runner by fishermen who do not currently hold either South Atlantic snapper grouper permit. **Alternative 3** would have the next highest negative economic effects after **Alternative 1 (No Action)** as those fishermen who do not already possess a Spanish Mackerel Permit would be required to buy one. Nearly all of the fishermen who land blue runner also landed Spanish mackerel, king mackerel, or snapper grouper species, therefore most of them already have at least one federal permit. Spanish mackerel permits, however, are open access. Those that do not already have a Spanish mackerel permit would need to pay an additional \$12.50 annually to purchase one.

**Alternative 4** would have the same economic impacts as **Alternative 2** because **Alternative 4** would exempt blue runner from the requirement to have either of the South Atlantic snapper grouper permits in order to harvest or sell blue runner.

## Social Effects

There are two groups of commercial fishermen who may be directly impacted by changes in blue runner management, specifically in regards to permit and gear requirements: fishermen who harvest blue runner with hook-and-line, and fishermen who harvest blue runner with Spanish mackerel gillnets. Hook-and-line landings are primarily based in South Florida, with most landings in Monroe County, Miami-Dade County, and Palm Beach County. Blue runner landings with gillnet are primarily reported in the central east coast of Florida, with most landings in Brevard County (around Canaveral) and some landings in Martin County, Indian River County, and St. Lucie County. In general, blue runner landings are low relative to other species and in most years landings are confidential at the county level.

Although the south Florida counties represent the highest landings of blue runner with hook-and-line, and the counties on the central east coast of Florida have the most landings of blue runner with gillnet, blue runner is not an economically significant species in the snapper grouper commercial fishery or to the fishing communities (see **Table S-1**). However, there are pockets of vessels that catch blue runner with gillnets

while harvesting Spanish mackerel, particularly around Port Canaveral, and the fishermen working on these vessels may be dependent on blue runner catch during the late summer and early fall. It is likely that these are small operations and blue runner catch in the Spanish mackerel gillnet fishery makes up a significant part of their income.

Under **Alternative 1 (No Action)** any continued landings and sales of blue runner from the gillnet fishery would be illegal unless the fishermen held a South Atlantic Snapper Grouper Unlimited Permit or South Atlantic Snapper Grouper 225 Pound Permit. Unlimited permits are available (225 pound permits are non-transferable) but the two-for-one transfer requirement would require additional capital to buy into a limited entry fishery. Additionally, the South Atlantic Snapper Grouper Unlimited Permit requires fees for renewal each year in order to maintain a valid permit. The Spanish mackerel commercial permit, under which some of the smaller operations that are harvesting blue runner in the Spanish mackerel gillnet fishery operate, is open access and does not require renewal, only an annual purchase. This permit allows flexibility for fishermen, particularly small businesses, in that an individual can purchase a Spanish mackerel permit and participate in the Spanish mackerel gillnet fishery in one year, but choose to not participate in the next year without spending money on the permit. Not making changes to blue runner management (**Alternative 1 (No Action)**) would have the most impact on the small vessels that currently only have Spanish mackerel permits by either requiring each fisherman to purchase two South Atlantic Snapper Grouper Unlimited Permits and maintaining permit fees, or by no longer being allowed to legally land and sell blue runner. Additionally, any dealers who depend on supply of blue runner during late summer and early fall would be affected by any fishermen who cannot or will not obtain a South Atlantic Snapper Grouper Unlimited Permit.

It should also be noted that the harvest of blue runner with gillnet, a prohibited gear in the snapper grouper fishery, in addition to sale of blue runner without a Snapper Grouper permit is illegal under the current regulations. However, no violations have been reported in over fifteen years and many fishermen participating in this small portion of the blue runner fishery were likely unaware of the requirements. Most importantly, some of these fishermen may have qualified with blue runner landings for a snapper grouper permit during initial issuance of permits.

Removing blue runner from the Snapper Grouper FMU (**Alternative 2**) would be beneficial to fishermen without Snapper Grouper permits who harvest blue runner with gillnet because it would not require an additional permit and would allow harvest with gillnet. This would also be expected to have no negative impacts on fishermen with Snapper Grouper permits who harvest blue runner with hook-and-line.

**Alternative 3** may negatively impact fishermen in that the sale of blue runner would be limited to dealers possessing a Snapper Grouper Commercial Dealer Permit. It is currently only possible to speculate that an average of 40% of blue runner commercial landings are by non-federally permitted vessels (**Table S-2**). **Alternative 4** would not place the additional burden on gillnet fishermen of acquiring a snapper grouper permit but would also not remove the gillnet prohibition for harvest of blue runner, which could

negatively impact small fishing businesses that depend on the blue runner gillnet landings during part of the year.

## **References**

SAFMC (South Atlantic Fishery Management Council). 1991. Amendment 4 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Final Environmental Assessment, Initial Regulatory Flexibility Analysis, and Regulatory Impact Review. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. 243 pp. with appendices.

SAFMC (South Atlantic Fishery Management Council). 2011c. Comprehensive Annual Catch Limit Amendment for the South Atlantic Region with Final Environmental Impact Statement, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. 755 pp. plus appendices.

## Timing of Snapper Grouper Amendment 27

- Public hearings held from 4 P.M. to 7 P.M. on the following dates and locations:

<p><b><u>January 22, 2013</u></b> Mighty Eighth Air Force Museum 175 Bourne Avenue Pooler, GA 31322 Phone: 912-748-8888</p>	<p><b><u>January 23, 2013</u></b> Hilton Garden Inn Airport 5265 International Blvd. North Charleston, SC 29418 Phone: 843-308-9330</p>
<p><b><u>January 24, 2013</u></b> New Bern Riverfront Convention Center 203 South Front Street New Bern, NC 28563 Phone: 252-637-1551</p>	<p><b><u>January 28, 2013</u></b> Jacksonville Marriott 4670 Salsbury Road Jacksonville, FL 32256 Phone: 904-296-2222</p>
<p><b><u>January 29, 2013</u></b> Doubletree by Hilton Oceanfront 2080 North Atlantic Ave. Cocoa Beach, FL 32931 Phone: 321-783-9222</p>	<p><b><u>January 30, 2013</u></b> Holiday Inn Key Largo 97701 Overseas Highway Key Largo, FL 33037 Phone: 305-451-2121</p>

- The Council will review public comments, request additional comment, and approve the amendment for submission to the Secretary of Commerce during the March 4-8, 2013 meeting in St. Simons Island, GA.
- NMFS will issue a proposed rule and final rule, each with its respective comment period. NMFS will then consider comments submitted and approve, disapprove, or partially approve the amendment for implementation.
- Regulations would be effective by January 2014.

## How to Submit your Comments

**Comments must be received by 5:00 P.M. on February 4<sup>th</sup>, 2013** and may be submitted by letter, e-mail or fax to:

Robert Mahood  
South Atlantic Fishery Management Council  
4055 Faber Place Dr.  
Suite 201  
North Charleston, SC 29405

Email: [SGAmend27Comments@safmc.net](mailto:SGAmend27Comments@safmc.net)

Fax: (843) 769-4520